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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,701	03/18/2004	Robert Carvelli	1209-57	7812

7590 06/06/2007  
Steven T. Zuschlag  
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Syosset, NY 11791

EXAMINER
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TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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06/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/803,701

**Applicant(s)**

CARVELLI ET AL.

**Examiner**

Quoc D. Tran

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 0200.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,8-10,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4,8 and 9 is/are allowed.
- 6) ☒ Claim(s) 10 and 12,13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10, 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said PIN" in last paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (6,931,110) in view of Foster et al (5,315,649) and further in view of Nelson (6,529,593).

Consider claim 10, Bates et al teach telecommunication system for placing telephone calls from callers using a prepaid phone card, the system comprising: a database for storing a caller's personal voice print assigned to a call connection and originating telephone information assigned to said caller's phone card (col. 2 lines 56-65; col. 4 lines 3-9); and a caller interface having a speech recognition application (col. 4 lines 5-6) for receiving voice input from said

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caller, spoken by said caller after said caller dials a telephone network access number from said originating telephone (col. 4 lines 34-37), identifying said caller based on the origination (i.e., ANI) of said telephone call (col. 3 lines 29-37) and comparing said voice input with said personal voice print assigned to said call connection and caller's phone card and stored in said database (col. 4 lines 38-39; it should be noted that the user could previously restrict the call to a specific destination number(s) or geographic area), wherein said caller interface is further adapted to place a requested telephone call if said originating telephone matches said originating telephone information stored in said database and said voice input from said caller matches said personal voice print assigned to said caller's phone card stored in said database with respect to said call connection (col. 4 lines 41-45).

Bates et al identifying the caller by both the origination and the input desired destination. Bates et al, however, failed to suggest of receiving voice input from the caller in the form of a desired call connection and comparing the voiceprint associated with the call connection stored in the database.

Foster et al teach a calling card toll service system and method that enable the caller to speak his/her personalized identifier for a person or destination associated with a telephone number for comparison by the voice recognition subsystem for a match with the stored template of the subscriber. The call is connected if the voice input matched the stored templates (see col. 3 lines 38-45, lines 58-62; col. 4 lines 40-46). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Foster et al into view of Bates et al in order to provide user with more option in making calls as well as providing a more secure calling card process.

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Bates et al did not suggest wherein said database is accessible by said caller via the internet for enabling said identification of said caller based on the origination of said initial telephone call and for storing and modifying [~~said PIN and~~] (see 35 U.S.C. 112 rejection above) said personalized voice print with respect to said call connection. However, Nelson suggested such (col. 6 lines 52-55). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Nelson of accessing the user account via the Internet in order to provide user with a more friendly user interface for better manage of the account.

Consider claim 12, Foster et al teach the claimed features (col. 3 lines 38-68; col. 4 lines 40-46).

Consider claim 13, Foster et al teach the claimed feature (col. 4 lines 40-43).

***Allowable Subject Matter***

5. Claims 1, 3-4, 8-9 are allowed.

***Response to Arguments***

6. Applicant's arguments filed 3/6/2007 with respect to claim 10 have been fully considered but they are not persuasive.

Regarding applicant argument on page 7 with respect to claim 10 that "the claimed system involved ***three distinct security steps*** to verifying that the caller is authorized to make the requested call". Accordingly, the examiner respectfully disagrees with applicant argument. Upon careful evaluation of claim 10, the examiner was unable to identifies the "three security steps" that applicant alleged to have contained within claim 10. In fact, there are only two security steps being claimed (i.e., comparing origination telephone number and personal voice

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print). Therefore, amended claim 10 and its dependent claims are not patentably distinct from prior art of record.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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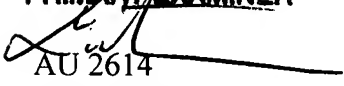
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**QUOCTRAN**  
**PRIMARY EXAMINER**

  
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May 22, 2007